

community as a newly elected member of the Board of Directors of the Imperial County Farm Bureau.

Don has been a member of the Brawley Rotary Club for over 30 years, a member of the Benevolent and Protective Order of Elks-Lodge #1420 for over 40 years and a lifelong member of the Imperial Valley Navy League. He has also served his community as a member of the Brawley Union High School Quarterback Club.

Throughout my many years in Congress, I have valued Don's insight into, and knowledge of, the many important issues facing the IID and the farming community in the Imperial Valley. It is my distinct privilege to honor my distinguished friend.

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FAIRNESS AND EQUITY FOR FEDERAL RETIREES WITH PART-TIME SERVICE

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**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. MORAN of Virginia. Mr. Speaker, today, I am reintroducing legislation to correct a long-standing inequity that affects a great number of Federal retirees in my district and throughout the Nation who have served for a portion of their careers in a part-time capacity. I am pleased that Mr. DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mrs. MORELLA, Mr. WOLF, and Mr. GILMAN have joined me as original cosponsors of this important legislation.

The current retirement formula for Federal workers with part-time service was enacted by Congress in 1986 as a provision of the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272). For the most part, the reforms contained in COBRA were fair. They ensured an equitable calculation for all employees hired after 1986 and prevented part-time employees from gaming the system in order to receive a disproportionately higher benefit. The 1986 reforms were based on a procedure developed and recommended to the Congress by the General Accounting Office (GAO). In a nutshell, the new methodology determines the proportion of a full-time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time worker's salary is calculated on a full-time equivalent basis (FTE) for retirement purposes. Thus, a worker's "high-three salary" could occur during a period of part-time service. This often happens when a senior level worker cuts back on his or her hours to care for an ill spouse or deal with other personal matters. Many of the people in this situation are women.

The problem is that the 1986 law had unintended and often unfair consequences for workers hired before 1986 who have some part-time service after 1986. Specifically, according to the way the law has been implemented by OPM, some part-time workers are not able to apply their full-time equivalent (FTE) salary to pre-1986 employment. This effectively limits their ability to receive the advantage of their "high-three average" salary for their entire careers. The reason for this in-

equity can be traced to subsection (c) of Section 15204 of COBRA. It provides that the new formula shall be effective with respect to service performed "on or after the date of the enactment of this Act."

Whether this was a drafting error, or whether OPM has taken an unnecessarily restrictive reading of the statute is hard to determine. What is clear is that the current practice is plainly contrary to the intent of the Congress, which was to grandfather existing employees into the new system and to ensure that no Federal workers would be harmed by changes in the retirement formula.

In a letter dated February 19, 1987 to then-OPM Director Constance Horner, the Chairman of the Committee on Post Office and Civil Service, The Honorable William D. Ford, objected to this anomalous and unfair result. He wrote:

As in many other instances involving benefits, Congress chose to protect or to "grandfather" past service—to apply the new benefit formula only to future service rather than previously performed service under the older, more generous formula. This policy is often adopted to avoid penalizing individuals through the retroactive application of changes not anticipated by them. (As a measure of fairness, the policy of prospectivity is often applied to benefit improvements as well.)

Notwithstanding Chairman Ford's efforts to clarify congressional intent, this inequity has continued for 14 years. OPM has publicly acknowledged that there is a problem with COBRA. Director Lachance stated publicly in a letter to Chairman Fred Thompson of the Senate Committee on Government Affairs: "I agree that an end-of-career change to a part-time work schedule can have an unanticipated adverse effect on the amount of the retirement benefit." She also acknowledges in that same letter that a comparable bill in the other body, S. 772 introduced by Senator ROBB, "would eliminate the potential for anomalous computations by providing that the full time salary would be applicable to all service regardless of when it was performed while the proration of service credit would apply only to service after April 6, 1986 [the date of enactment]."

This is precisely what the bill we are offering today does. It allows the retirees affected by this inequity to have their full-time equivalent salary for their high 3 years to apply to their entire careers, not just the portion after 1986. My bill differs from S. 772 in that it places the burden on affected retirees to request a recalculation of benefits. This is coupled with a requirement that OPM conduct a good faith effort to notify annuitants of their right to obtain a recalculation. For all future retirees, benefits will be calculated in accordance with the new formula.

This bill is identical to a measure I sponsored last year. That legislation was cosponsored by seven members of the House and was endorsed by the National Association of Federal Workers in July. NARFE has made the bill a high priority.

Mr. Speaker, this is a matter of great consequence to many Americans who devoted their most productive years to public service. Some of my constituents have annuities that are thousands of dollars less than they would be under my bill. As I indicated, a dispropor-

tionate share of these retirees appears to be women, who left the federal service to care for others.

It is particularly appropriate that we address this issue now, as changing work-force needs and lifestyles make part-time service more popular, both from the standpoint of the worker and the employee. Many of the anticipated work-force shortages that are anticipated in the federal civil service can and should be met with part-time workers. I am concerned that they will not be so long as the anomalous and unfair provisions of P.L. 99-272 are allowed to stand. I urge my colleagues to join me in cosponsoring this important legislation.

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PROTECT OUR FLAG

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**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I introduce a constitutional amendment for the protection of our nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and state legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

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IN HONOR OF BARBARA BASS  
BAKAR

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**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a wonderful San Franciscan as she

celebrates her 50th birthday. Barbara Bass Bakar is a leader in our community whose commitment to quality health care, education, and the performing arts has greatly benefited our city. It is my honor to commend and thank her for her work.

Barbara has actively worked to promote better health care. Her efforts on behalf of the University of California, San Francisco's (UCSF) programs in the areas of cancer science and patient care have made a difference in many people's lives. She serves on the UCSF Board of Directors and helped to create the UCSF Foundation Wellness Lecture Series and the Raising Hope benefit series. With her husband, Gerson, she established the Gerson and Barbara Bass Bakar Distinguished Professor of Cancer Biology at UCSF's Cancer Research Institute.

Barbara's commitment to education is exemplified by her contributions to the Achievement Rewards for College Scientists (ARCF) Foundation, Inc. She has volunteered her time for many years on the Board of Directors of the ARCF Foundation and has been instrumental in their success at promoting science education in the U.S. through graduate scholarships.

In the arts community, Barbara is highly regarded for her service on the Board of the American Conservatory Theater. She has served on the Executive and Finance Committees of this resident professional theater. Barbara has also donated her time to the San Francisco Museum of Modern Art, including as a member of the Accessions Committee, and to the endowment committee of the Jewish Community Endowment Fund.

All of Barbara's contributions to our community life are in addition to her remarkable career in the business world. After successful tenures with Bloomingdales, Macy's California, and Burdines, she rose to the post of President and CEO of Emporium and Weinstocks. Prior to that, she served as Chair and CEO of I. Magnin. She also sits on the Board of Directors of the Bombay Company and the DFS Group Ltd. and DFS Holdings Ltd.

San Francisco is fortunate to count Barbara Bass Bakar among its residents as she continues to direct her considerable talents and energies toward improving our world. It is my honor to thank her and to join her husband, Gerson, in wishing her a Happy Birthday.

IN MEMORY OF RALPH LAIRD, JR.

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2001

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many during his career in public education and his community activities, Ralph Laird, Jr. Mr. Laird passed away on October 24 in Walnut Creek, California, after a long illness.

Ralph Laird, Jr., was born in Danville, Illinois on March 23, 1924. He graduated from Danville High School in 1942, served in an Army unit under the overall command of General George Patton in World War II, and re-

turned to the United States to attend the University of South Dakota under the G.I. Bill. Graduating in 1949, and later receiving his Masters Degree in Education from San Francisco State University, Mr. Laird was the only one of his brothers and sister to receive an education past the eighth grade.

Mr. Laird worked for nineteen years at John Swett High School in Crockett, California. It was here that he began an incredible career in education working as a teacher, coach, Vice Principal and, for the last five years of his service there, as Principal. He was the coach of the 1959 championship John Swett basketball team, the first such championship for the school in decades, and also participated in community activities as a manager of an East Vallejo Little League team, camp director for the Vallejo YMCA, and a father in the Indian Guides program.

Mr. Laird was the first principal of San Dimas High School in San Dimas, California, and later was principal of Amador High School in Pleasanton, California. He ended his career in education as Assistant Superintendent of the Amador School District, but remained active as a leader in the SIRS organization and was a member of the Pleasanton Library Board.

In his life, he was committed to helping every person rise to their full potential. In all his school positions, he served as a mentor, worked extra hours, supported new teachers, and stayed in touch with many students with whom he had worked during his thirty-five years in education. His dedication to public service in its most pure form—the education and nurturing of our children—is an example for all of us to strive for.

Beyond his professional life, Ralph Laird was also well known for his ability to tell a story or a joke on almost any subject. His obituary stated, "He never met a pun he didn't like." He brightened any room he walked into, and was the patriarch of a wonderful family. He will be sorely missed not just by his community, but by his family—including his wife of 54 years, Dorothy; his sons, John, James and Thomas; and three grandchildren. All those touched by him during his life will miss his friendship, leadership, good humor, and guidance.

REGARDING THE RESOLUTION OPPOSING THE IMPOSITION OF CRIMINAL LIABILITY ON INTERNET SERVICE PROVIDERS BASED ON THE ACTIONS OF THEIR USERS

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2001

Mr. DREIER. Mr. Speaker, as the Internet has grown in importance to our economy and our culture, Congress has considered a succession of bills addressing unsavory conduct on the Internet. While many of these proposals have been well-intentioned, they have proposed widely differing, sometimes technologically unrealistic, or unconstitutional approaches to this important issue.

The Internet offers Americans an unprecedented avenue for communication and commerce, changing the way we work, play, shop, and communicate. This phenomenon, referred to by the United States Supreme Court as the "vast democratic fora of the Internet" can be attributed chiefly to the policy embraced by the House in an amendment to the Telecommunications Act of 1996 offered by my distinguished colleagues CHRIS COX and RON WYDEN, and that I was pleased to support.

The Cox-Wyden amendment ensures that Internet service providers, website hosts, portals, search engines, directories and others are not burdened by the threat of civil tort liability for content created or developed by others. This measure has provided welcome certainty and uniformity with regard to civil tort liability on the Internet, while in no way limiting remedies against the provider of illegal content.

However, criminal bills continue to take widely varying and often quite different approaches to this issue. In addition, foreign nations and courts in Europe and Asia are stepping up efforts to hold U.S. companies liable for website content located in the United States that is criminal under their laws, but entirely lawful under our First Amendment. There is even a Cyber-crime Treaty that the Clinton Administration has been negotiating with countries that are part of the Council of Europe that could restrict Congress' ability to legislate in this area if we do not act soon.

For these reasons, I believe that the 107th Congress must act to preserve strong criminal penalties against criminals on the Internet, while creating a uniform and sensible structure limiting service providers' liability for content that third parties have stored or placed on their systems, but that may violate some criminal law. Given the importance of U.S. global leadership in the Internet industry, and of keeping the Internet open so that individuals can communicate and do business with one another, we cannot afford to cede the initiative or authority in this important area.

ON RE-INTRODUCTION OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTI-DISCRIMINATION AND RETALIATION ACT

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2001

Mr. SENSENBRENNER. Mr. Speaker, today I am making good on a promise I made during the last days of the previous Congress. During a press conference on October 24th last year announcing the introduction of H.R. 5516, the Notification and Federal Employee Anti-discrimination And Retaliation Act (the No FEAR Act) of 2000, I pledged to reintroduce this legislation on the first day of the 107th Congress. That day has arrived. I am pleased to introduce the No FEAR Act of 2001.

During that press conference, a spokesman for the NAACP noted the NAACP Task Force on Federal Sector Discrimination and other civil rights organizations are supporting this legislation. It was hailed as the first civil rights